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RACP Submission

**WA Legislative Assembly's Education and Health
Standing - Inquiry into the Esther Foundation**

July 2022

About The Royal Australasian College of Physicians (RACP)

We connect, train and represent 28,000 medical specialists and trainee specialists from 33 different specialties, across Australia and Aotearoa New Zealand. We represent a broad range of medical specialties including addiction medicine, general medicine, paediatrics and child health, infectious diseases, cardiology, respiratory medicine, neurology, oncology, public health medicine, occupational and environmental medicine, palliative medicine, sexual health medicine, rehabilitation medicine, and geriatric medicine.

Beyond the drive for medical excellence, the RACP is committed to developing health and social policies which bring vital improvements to the wellbeing of patients.



We acknowledge and pay respect to the Traditional Custodians and Elders – past, present and emerging – of the lands and waters on which RACP members and staff live, learn and work. RACP acknowledges Māori as tangata whenua and Te Tiriti o Waitangi partners in Aotearoa New Zealand.

RACP Submission to the WA Legislative Assembly’s Education and Health Standing Committee – Inquiry into the Esther Foundation

Thank you for this opportunity to provide feedback to the Inquiry into the Esther Foundation undertaken by the WA Legislative Assembly’s Education and Health Standing Committee which is tasked to consider:

1. Complaints and allegations concerning the Esther Foundation including from former residents, staff and volunteers
2. Adequacy of actions taken by the organisation to address the above concerns
3. Current regulatory and legislative provisions, and those proposed provisions currently before the Parliament, to address the above concerns, including;
 - a. Options for regulating facilities not covered by the definition of ‘Health Service’ or ‘Hospital’ in the [Private Hospitals and Health Services Act 1927](#).

Introduction

We welcome the establishment of this Inquiry and urge the WA Government and the WA Parliament to ensure that the complaints and allegations from former residents, staff and volunteers of the Esther Foundation are heard respectfully. The outcome must inform the urgent implementation of adequate safeguards to ensure vulnerable clients receive equitable, respectful and evidence-based care.

This submission has been led by The Royal Australasian College of Physicians’ Australasian Chapter of Addiction Medicine (AChAM) in consultation with relevant committees. The [AChAM](#)¹ plays an important role in shaping public policy in the areas of health protection, prevention and health promotion for improved public and population health outcomes.

The alleged abuse suffered by residents of the Esther Foundation was deeply inhumane and unethical.

The numerous allegations of abuse suffered by vulnerable clients of the Esther Foundation are a violation of human rights. The alleged abuse detailed in the media² and in the WA Parliament³ included “criminal complaints of sexual abuse, as well as residents being denied food, being banned from contacting friends and family, illegal restraints, and Aboriginal residents being told their language and culture was akin to being possessed by the devil”⁴. Gay conversion therapy has also been alleged.⁵

Systemic abuse such as that alleged by the complainants at the Esther Foundation causes long-term mental and physical health consequences for the individual and the community. Where the abuse targets Aboriginal and Torres Strait Islander people and others who belong to minority cultures, it forms part of institutionalised racism.⁶

Services and treatment for individuals with substance use disorders must be evidence based, provided by people with appropriate training and experience and be quality-assured.

Alcohol and other drug treatment (AOD) services are significantly underfunded and are estimated to only meet the need of fewer than half of those seeking help. In regional, rural and remote areas, a lack of access and availability of these services is even more pronounced than in major cities.

Sustained, long-term funding to increase the capacity of drug and alcohol services to meet the demand for treatment, combined with real and persistent efforts to reduce disadvantage and inequities within society, is the only real solution to reducing substance dependence and related problems. This includes a greater commitment by governments at all levels to support Indigenous self-determination and leadership to close the gap on Aboriginal and Torres Strait Islander health. **Access to quality treatment, delivered by a suitably trained workforce, is fundamental for anyone struggling with addiction, and this should be the main priority for policy development and investment in this area.** Quality treatment requires trained staff, recognised areas of practice, assessment and recognition of substance use and of mental health problems, risk assessment, and evidence-based approaches.

The WA and Federal Governments need to ensure that the National Quality Framework for Drug and Alcohol Treatment Services is enforced in all facilities providing AOD services through a robust compliance and monitoring process.

We understand that the National Quality Framework which forms part of the Australian Government's National Ice Action Strategy (IAS) established in November 2019 to "implement a quality framework to support consistent treatment in line with best practice"⁷ was endorsed by the WA Government and that it includes a 3-year transition period which finishes on 28 November 2022.

Public funds must be allocated through fair process with due diligence, accountability transparency of contract.

It is also deeply concerning that this facility received funding and support from previous Federal and WA Governments to enable it to provide these services to young women and children.

As outlined by the WA Minister for Child Protection, The Hon Simone McGurk MLA⁸ and by the media⁹, women and young girls were referred to the Esther Foundation by WA State agencies.

These facts highlight significant and concerning failures of these agencies and ultimately the WA and Federal governments to undertake due diligence and to fulfill their duty of care to these women and young girls to ensure they are safe and protected at all times and even more so when accessing support services for complex issues such as substance use disorder, trauma and domestic violence.

There are unique considerations in faith-based healthcare.

Faith contributes to recovery for many individuals and can motivate the provision of care for others. AChAM urges respect for the beliefs of the client (whether having a faith or none) irrespective of the faith that guides and drives the providers.

Services provided by faith-based groups must be regulated to the same standards as any other organisation and must restrict their funded work to the remit of their contract. Faith holds a power which should never be used to take advantage of others.

Concluding remarks

Our submission to this inquiry has made the following key points:

- The WA and Federal Governments have failed in their duty of care to all young women and girls who participated in the Esther Foundation's programs. They have failed to undertake due diligence when providing funding to the Esther Foundation and when referring clients to its services.
- The allegations made by previous clients of the Esther Foundation (which include both young women and children) are of a deeply inhumane and unethical nature. Systemic abuse

such as that alleged by the complainants at the Esther Foundation causes long-term mental and physical health consequences for the individual and the community. Where the abuse targets Aboriginal and Torres Strait Islander people and others who belong to minority cultures, it forms part of institutionalised racism.¹⁰

- The WA Government and the Federal Government need to ensure the Guiding Principles and the Acceptable Accreditation Standards set out in the National Quality Framework for Drug and Alcohol Treatment Services are urgently implemented and upheld in all facilities providing AOD services regardless of whether they receive public funding or not. These standards need to be effectively enforced through a robust compliance and monitoring process for which State and Territory Governments and the Federal Government are held responsible.
- Sustained, long-term funding to increase the capacity of drug and alcohol services to meet the demand for treatment, combined with real and persistent efforts to reduce disadvantage and inequities within society, is the only real solution to reducing substance dependence and related problems. This includes a greater commitment by governments at all levels to support Indigenous self-determination and leadership to close the gap on Aboriginal and Torres Strait Islander health. **Access to quality treatment, delivered by a suitably trained workforce, is fundamental for anyone struggling with addiction, and this should be the main priority for policy development and investment in this area.**

Thank you again for this opportunity to inform this inquiry, should you require any further information about this submission, please contact Ms Claire Celia, Senior Policy and Advocacy Officer via Claire.Celia@racp.edu.au.

REFERENCES

¹ For further information about the RACP's AChAM, please visit:

<https://www.racp.edu.au/advocacy/division-faculty-and-chapter-priorities/chapter-of-addiction-medicine> [last accessed 30/06/2022]

² For examples of media coverage of the Esther Foundation, please refer to:

- Crikey (16 February 2022), *'It's disgusting the way the girls were treated': Esther residents speak out*. Available online: <https://www.crikey.com.au/2022/02/16/esther-house-disgusting-how-girls-treated/> [last accessed 30/06/2022]
- Crikey (17 February 2022), *How 14-year-old Mandy, slapped and punished, finally escaped abusive rehab facility*. Available online: <https://www.crikey.com.au/2022/02/17/mandy-abused-esther-foundation/> [last accessed 30/06/2022]
- Crikey (7 April 2022), *'I feel a wave of relief' — WA government inquiry promises truth on Pentecostal-linked Esther Foundation*. Available online: <https://www.crikey.com.au/2022/04/07/government-inquiry-pentecostal-linked-esther-foundation/> [last accessed 30/06/2022]
- ABC News (7 April 2022), *Esther Foundation faces rehab abuse investigation as agencies confirm referring women to live there*. Available online: <https://www.abc.net.au/news/2022-04-07/esther-foundation-abuse-allegations/100971818> [last accessed 30/06/2022]
- ABC News (8 April 2022), *Esther Foundation, now subject to claims of sexual and psychological abuse, supported by multiple WA governments*. Online, available: <https://www.abc.net.au/news/2022-04-08/wa-esther-foundation-supported-by-state-government-for-years/100974904> [last accessed 30/06/2022]

³ Extract from Hansard [Assembly – Thursday 7 April 2022] p1784-1785a Ms Simone Gurk; Amber-Jade Sanderson -

[https://www.parliament.wa.gov.au/Hansard/hansard.nsf/0/19431fed5c54c709482588240010ea8a/\\$FILE/A41+S1+20220407+p1784b-1785a.pdf](https://www.parliament.wa.gov.au/Hansard/hansard.nsf/0/19431fed5c54c709482588240010ea8a/$FILE/A41+S1+20220407+p1784b-1785a.pdf) [last accessed 30/06/2022]

⁴ ABC News (8 April 2022), *Esther Foundation, now subject to claims of sexual and psychological abuse, supported by multiple WA governments*. Available online:

<https://www.abc.net.au/news/2022-04-08/wa-esther-foundation-supported-by-state-government-for-years/100974904> [last accessed 30/06/2022]

⁵ Echo News (5 March 2022), *Esther Foundation survivor criticises abuse handling*. Available online: <https://echonewspaper.com.au/esther-foundation-survivor-criticises-abuse-handling/> [last accessed 30/06/2022]

⁶ For further information about institutional racism, please refer to the RACP Indigenous child health in Australia and Aotearoa New Zealand (2020): <https://www.racp.edu.au/docs/default-source/advocacy-library/indigenous-ch-statement-on-ich.pdf> [last accessed 30/06/2022]

⁷ Department of Health (2019), *National Quality Framework for Drug and Alcohol Treatment Services*. Available online: <https://www.health.gov.au/resources/publications/national-quality-framework-for-drug-and-alcohol-treatment-services> [last accessed 30/06/2022]

⁸ Extract from Hansard [Assembly – Thursday 7 April 2022] p1784-1785a Ms Simone Gurk; Amber-Jade Sanderson -

[https://www.parliament.wa.gov.au/Hansard/hansard.nsf/0/19431fed5c54c709482588240010ea8a/\\$FILE/A41+S1+20220407+p1784b-1785a.pdf](https://www.parliament.wa.gov.au/Hansard/hansard.nsf/0/19431fed5c54c709482588240010ea8a/$FILE/A41+S1+20220407+p1784b-1785a.pdf) [last accessed 30/06/2022]

⁹ ABC News (7 April 2022), *Esther Foundation faces rehab abuse investigation as agencies confirm referring women to live there*. Available online: <https://www.abc.net.au/news/2022-04-07/esther-foundation-abuse-allegations/100971818> [last accessed 30/06/2022]

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¹⁰ For further information about institutional racism, please refer to the RACP Indigenous child health in Australia and Aotearoa New Zealand (2020): <https://www.racp.edu.au/docs/default-source/advocacy-library/indigenous-ch-statement-on-ich.pdf> [last accessed 30/06/2022]